



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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**MEMORANDUM**

**TO:** Philip E. Stutzman, Director of Compliance  
**FROM:** Vicki Rippie, Executive Director  
**DATE:** August 7, 2009  
**SUBJECT:** Complaint - Washington Association of Realtors

**RCW 42.17.020(20)** states that "electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(a) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(b) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(c) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of five thousand dollars or more.

RCW 42.17.020(21) exempts certain activities from the definition of electioneering communication.

**RCW 42.17.565** requires that a payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor. The sponsor of an electioneering communication is required to report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, or otherwise published. Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. Failure of any sponsor to report electronically under this section shall be a violation of this chapter.



**Summary:**

In 2008, PDC staff learned that:

**Regarding Electioneering Communications**

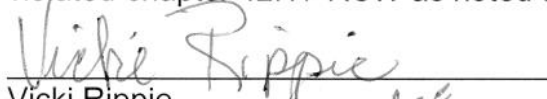
- On October 18, October 21, and October 25, 2008, Washington Association of Realtors (WAR) sponsored and presented to the public, mailings totaling \$414,228.94. On October 30, 2008, WAR filed PDC form C-6, which included the following statement: "This mailing is an "issue advocacy piece re: the excise tax and does not support or oppose any candidate. As such, this C-6 is being filed under protest and only because of the specific direction of the Director of Compliance of the PDC earlier today. In submitting this filing, the Washington Association of Realtors is not waiving any of its objections to this direction and explicitly reserves all rights to appeal and challenge the direction to file a C-6 at a later time under state and federal law." (**Exhibit 1**)
- PDC staff contends that the mailings were "electioneering communications" opposing gubernatorial candidate Christine Gregoire, and were required to be filed electronically within twenty-four hours of, or on the first working day after, the date the electioneering communications were broadcast, transmitted, mailed, erected, distributed, or otherwise published.
- Form C-6 did not identify the candidate identified in the advertisements, the candidate's office, the candidate's party, and whether the advertising supported or opposed the candidate.


**Alleged Violations:**

**Washington Association of Realtors**

- The facts referenced above provide reason to believe that during October 2008, Washington Association of Realtors (WAR) may have violated RCW 42.17.565 by not filing timely and complete reports of electioneering communications (form C-6), totaling \$414,228.94, that opposed Christine Gregoire's 2008 campaign for Governor.

Based on this information, I am filing this complaint and directing staff to investigate the allegations that Washington Association of Realtors may have violated chapter 42.17 RCW as noted above.

  
Vicki Rippie  
Executive Director

  
Date

**Exhibit 1**

PDC Form C-6 filed by Washington Association of Realtors -  
on October 30, 2008